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of the State of California

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5 Attorneys for Complainant

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7  
8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
10 BOARD OF MEDICAL QUALITY ASSURANCE  
11 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

12 In the Matter of the Petition ) NO. D-3485  
13 Against: )  
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19 The Board of Medical Quality Assurance, Department of  
20 Consumer Affairs, State of California (hereinafter "board")  
21 makes the following Findings of Fact, Determination of Issues  
22 and Order:

23 FINDINGS OF FACT

24 1. On or about April 11, 1986, Roger N. Goodlin, M.D.  
25 (hereinafter "respondent"), was served with the petition to  
26 revoke probation and vacate stay of license revocation,  
27 statement to respondent, request for discovery, form notice of

1 defense, and copies of Government Code sections 11507.5,  
2 11507.6, and 11507.7 as provided for by sections 11503 and  
3 11505 of the Government Code and has failed to file a notice of  
4 defense within the time allowed by section 11506 of said code.

5 2. On or about August 7, 1978, the board issued to  
6 respondent physician's and surgeon's certificate A032752 and  
7 said certificate was at all times in full force and effect  
8 except as described below.

9 3. Respondent is required to report immediately to  
10 the board each and every change in address, giving both the old  
11 and new address, pursuant to section 2021, subdivision (b) of  
12 the code and section 1303 of title 16 of the California  
13 Administrative Code. Respondent was served at his address of  
14 record with the board and all other current addresses known to  
15 the board. Return receipt cards for certified mail service  
16 upon respondent are on file with the board.

17 4. The board finds that the facts and allegations set  
18 forth in the petition to revoke probation and to vacate stay of  
19 license revocation are true. Said petition to revoke probation  
20 and vacate stay of license revocation is on file with the board  
21 and the facts and allegations contained therein are  
22 incorporated herein by reference as if fully set forth herein.  
23 A copy of said petition to revoke probation and vacate stay of  
24 license revocation is attached hereto.

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1 DETERMINATION OF ISSUES

2 5. Jurisdiction of the board is properly established  
3 by service on respondent at his address of record with the  
4 board in accordance with Government Code sections 11503 and  
5 11505, subdivision (c) and section 1303 of title 16 of the  
6 California Administrative Code.

7 6. Respondent has not filed a notice of defense and  
8 therefore has waived the right to a hearing to contest the  
9 petition to revoke probation and vacate stay of license  
10 revocation as provided for by Government Code section 11506.

11 7. The board will take action on the petition to  
12 revoke probation and vacate stay of license revocation without  
13 a hearing as provided for by section 11505, subdivision (a),  
14 and section 11520 of the Government Code.

15 8. The board takes official notice that Kenneth J.  
16 Wagstaff, complainant herein, is the Executive Director of the  
17 board and filed the petition to revoke probation and vacate  
18 stay of license revocation in his official capacity.

19 9. Respondent's probation is subject to revocation,  
20 the stay of license revocation is subject to vacation and  
21 respondent's physician's and surgeon's certificate is subject  
22 to revocation for the following reasons:

23 A. Pursuant to section 2004 of the Business and  
24 Professions Code (hereinafter the "Code"), the Division of  
25 Medical Quality of the Board of Medical Quality Assurance  
26 is charged with the responsibility of enforcing discipline  
27 provisions of the California Medical Practice Act.

1           B. Pursuant to section 2234 of the Code, the Division  
2 of Medical Quality shall take action against any holder of  
3 a physician's and surgeon's certificate licensee who is  
4 guilty of unprofessional conduct.

5           C. Section 2234, subdivision (e) of the Code provides  
6 that unprofessional conduct includes the commission of any  
7 act involving dishonesty, corruption which is substantially  
8 related to the qualifications, functions or duties of a  
9 physician or surgeon.

10          D. Section 2236, subdivision (a), (b) and (c) of the  
11 Code provides as follows:

12           "(a) The conviction of any offense, substantially  
13 related to the qualifications, functions, or duties of a  
14 physician and surgeon constitutes unprofessional conduct  
15 within the meaning of this chapter. The record of  
16 conviction shall be conclusive evidence only of the fact  
17 that the conviction occurred.

18           "(b) The division may inquire into the circumstances  
19 surrounding the commission of the crime in order to fix the  
20 degree of discipline or to determine if such conviction is  
21 of an offense substantially related to the qualifications,  
22 functions, or duties of a physician and surgeon. A plea or  
23 verdict of guilty or a conviction following a plea of nolo  
24 contendere made to a charge substantially related to the  
25 qualifications, functions, or duties of a physician is  
26 deemed to be a conviction within the meaning of this  
27 section.

1           "(c) Discipline may be ordered in accordance with  
2 section 2227, . . . when the time for appeal has elapsed,  
3 or the judgment has been affirmed on appeal or when an  
4 order granting probation is made suspending the imposition  
5 of sentence, irrespective of a subsequent order under the  
6 provisions of section 1203.4 of the Penal Code allowing  
7 such person to withdraw his plea of guilty and to enter a  
8 plea of not guilty, or setting aside the verdict of guilty,  
9 or dismissing the accusation, information or indictment."

10           E. Section 490 of Code provides that a board within  
11 the Department of Consumer Affairs may suspend or revoke a  
12 license on the ground that a licensee has been convicted of  
13 a crime, if the crime is substantially related to the  
14 qualifications, functions, or duties of the business or  
15 profession for which the license was issued.

16                       Discipline Previously Imposed

17           G. On January 17, 1983, the division in Case  
18 No. D-2765, revoked respondent's certificate, stayed the  
19 revocation and placed respondent on probation for a period  
20 of five years from the effective date of the decision. A  
21 true copy of the decision is attached hereto as Appendix A  
22 (hereinafter Division's Decision) and incorporated herein.  
23 The Division's Decision became final and probation  
24 commenced on February 16, 1983. The Division's Decision  
25 adopts and incorporates a stipulation signed by respondent  
26 which sets forth the facts (admitted by respondent)  
27 supporting discipline, that cause for discipline exists,

1 the discipline imposed and the conditions of probation.

2 The Division's Decision reads in pertinent part as follows:

3 "4. Respondent admits as true the facts found by  
4 the division in its administrative decision as follows:

5 "A. On or about February 18, 1981, in the  
6 Municipal Court of the Santa Monica Judicial District,  
7 County of Los Angeles, State of California, in a case  
8 entitled, "People v. Goodlin," case number D58606,  
9 respondent plead guilty to and was convicted of  
10 violating section 647, subdivision (f) of the Penal  
11 Code (public intoxication). During the arrest on or  
12 about December 9, 1980, which led to the aforementioned  
13 conviction, respondent was found to be illegally in  
14 possession of Quaalude."

15 "B. On or about August 27, 1980, in the  
16 Municipal Court of the Los Angeles Judicial District,  
17 County of Los Angeles, in a case entitled, "People v.  
18 Goodlin," case number V094823, respondent plead guilty  
19 to and was convicted of violating section 21658,  
20 subdivision (a), of the Vehicle Code (failure to drive  
21 within on lane) and section 22348, subdivision (a) of  
22 the Vehicle Code (speeding). Respondent was  
23 intoxicated at the time in question.

24 "C. On or about August 4, 1980, in the  
25 Municipal Court of Long Beach Judicial District,  
26 County of Los Angeles, State of California, in a case  
27 entitled, "People v. David Sherwood Dunard," the

latter being a name used by respondent, case number M162345, respondent pled guilty to and was convicted of violating section 415.1 of the Penal Code (disturbing the peace). Respondent was intoxicated at the time in question.

"5. Based on the foregoing facts and admissions, cause for disciplinary action exists against respondent pursuant to section 2361 of the Business and Professions Code (now section 2234), in that respondent was guilty of unprofessional conduct within the meaning of section 2390 of the Business and Professions Code (now section 2239), in that respondent used alcoholic beverages to the extent or in such a manner as to be dangerous to himself or another or to the public and respondent was convicted of more than one misdemeanor involving the use of alcoholic beverages or controlled substances. Further cause for disciplinary action exists against respondent pursuant to section 2361 of the Business and Professions Code (now section 2234), in that respondent was engaged in unprofessional conduct within the meaning of section 2391.5 of the Business and Professions Code (now section 2238), in having violated a law regulating dangerous drugs or controlled substances.

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1 "WHEREFORE, it is stipulated and agreed that the  
2 division shall set aside its decision of revocation  
3 effective on August 13, 1982, and issue the following  
4 decision:

5 "Physician's and surgeon's certificate number A  
6 32752 heretofore issued to respondent Roger Neal  
7 Goodlin, M.D., is hereby revoked; however, said  
8 revocation is stayed and respondent is placed on  
9 probation for five (5) years upon the following terms  
10 and conditions:

11 "1. Actual Suspension

12 "As part of probation, respondent is suspended  
13 from the practice of medicine for 120 days beginning  
14 November 1, 1982.

15 "2. Partial Restriction Regarding Controlled  
16 Substance

17 "Respondent shall not prescribe, administer,  
18 dispense, order, or possess any schedule II controlled  
19 substances as defined by the California Uniform  
20 Controlled substances Act.

21 "A. Respondent shall immediately surrender  
22 respondent's current DEA permit to the Drug  
23 Enforcement Administration for cancellation and  
24 reapply for a new DEA permit limited to those  
25 schedules authorized by this order.

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1 "B. The above prohibition against personal use  
2 or possession of controlled substances or dangerous  
3 drugs does not apply to medication lawfully prescribed  
4 to respondent for a bona fide illness or condition by  
5 another practitioner.

6 "3. Abstention

7 "Respondent shall abstain completely from the use  
8 of alcoholic beverages. Respondent shall immediately  
9 submit to biological fluid testing, at respondent's  
10 cost, upon the request of the division or its designee.

11 "4. Psychiatric Evaluation

12 "Within 30 days of the effective date of this  
13 decision, and on a periodic basis thereafter as may be  
14 required by the division or its designee, respondent  
15 shall undergo a psychiatric evaluation by a division  
16 appointed psychiatrist who shall furnish a psychiatric  
17 report to the division or its designee.

18 "If respondent is required by the division or its  
19 designee to undergo psychiatric treatment, respondent  
20 shall within 30 days of the requirement notice submit  
21 to the division for its prior approval the name and  
22 qualifications of a psychiatrist of respondent's  
23 choice. Upon approval of the treating psychiatrist,  
24 respondent shall undergo and continue psychiatric  
25 treatment until further notice from the division.  
26 Respondent shall have the treating psychiatrist submit  
27 quarterly status reports to the division.

1                   "5. Alcohol Rehabilitation Program

2                   "Within 30 days of the effective date of this  
3 decision, respondent shall submit to the division for  
4 its prior approval an alcohol rehabilitation program  
5 in which respondent shall participate at least weekly  
6 for at least 50 weeks of the calendar year for the  
7 duration of probation. In the quarterly reports to  
8 the division, respondent shall provide documentary  
9 evidence of continuing participation in this program.

10                   "6. Education Course

11                   "The division shall determine how many, if any  
12 additional continuing education hours respondent shall  
13 fulfill. If such additional hours are so required as  
14 part of the conditions of probation, within 90 days of  
15 the effective date of this decision, and on an annual  
16 basis thereafter, respondent shall submit to the  
17 division for its prior approval an educational program  
18 or course related to general medicine or a field of  
19 specialization respondent shall engage in for each  
20 year of probation. This program shall be in addition  
21 to the Continuing Medical Education requirements for  
22 re-licensure. Following the completion of each  
23 course, the division or its designee may administer an  
24 examination to test respondent's knowledge of the  
25 course.

26                   /

27                   /

1                   "7. Obey All Laws

2                   "Respondent shall obey all federal, state and  
3 local laws, and all rules governing the practice of  
4 medicine in California.

5                   "8. Quarterly Reports

6                   "Respondent shall submit quarterly declarations  
7 under penalty of perjury on forms provided by the  
8 division, stating whether there has been compliance  
9 with all the conditions of probation.

10                  "9. Surveillance Program

11                  "Respondent shall comply with the division's  
12 probation surveillance program.

13                  "10. Interview With Medical Consultant

14                  "Respondent shall appear in person for interviews  
15 with the division's medical consultant upon request at  
16 various intervals and with reasonable notice.

17                  "11. Tolling for Out-of-State Practice or  
18 Residence

19                  "In the event respondent should leave California  
20 to reside or to practice outside the state, respondent  
21 must notify the division in writing of the dates of  
22 departure and return. Periods of residency or  
23 practice outside California will not apply to the  
24 reduction of his probationary period.

25                  "12. Completion of Probation

26                  "Upon successful completion of probation,  
27 respondent's certificate will be fully restored.

1                   "13. Violation of Probation

2                   "If respondent violates probation in any respect,  
3 the division, after giving respondent notice an the  
4 opportunity to be heard, may revoke probation and  
5 carry out the disciplinary order that was stayed. If  
6 an accusation or petition to revoke probation is filed  
7 against respondent during probation, the division  
8 shall have continuing jurisdiction until the matter is  
9 final, and the period of probation shall be extended  
10 until the matter is final.

11                   \* \* \* \* \*

12                   "DECISION AND ORDER

13                   "The prior decision revoking respondent's license  
14 is hereby set aside. The above stipulation is adopted  
15 as the decision of the Division of Medical Quality of  
16 the Board of Medical Quality Assurance.

17                   "Further, respondent is ordered to fulfill 50  
18 hours of continuing education per year in addition to  
19 the continuing education requirements for  
20 re-licensure, pursuant to probation condition number 7  
21 of the above stipulation."

22                   G. Respondent's probation is subject to revocation  
23 because he has failed to comply with the conditions of his  
24 probation. The circumstances are as follows:

25                   (1) Respondent has attended alcohol  
26 rehabilitation meetings required by Condition 5 of his  
27 probation under the influence of alcohol in violation

1 of Condition 3 of his probation.

2 (2) Respondent has not attended weekly alcohol  
3 rehabilitation meetings as required by Condition 5 of  
4 his probation.

5 (3) Respondent has failed to submit quarterly  
6 reports of compliance since August 1, 1984, in  
7 violation of Condition 8 of his probation.

8 (4) Respondent has not made himself available  
9 for biological fluid specimen tests in violation of  
10 Condition 3 of his probation.

11 (5) Respondent has not informed the Board of  
12 changes in his address and has failed to respond to  
13 numerous attempts by the division to contact him in  
14 violation of Conditions 2, 7 and 9 of his probation  
15 and Business and Professions Code section 2021,  
16 subdivision (b), which requires licentiates to  
17 immediately report changes of address to the board.

18 (6) Respondent has failed to attend mandatory  
19 appointments with the probation surveillance officer  
20 to discuss violations of his probation in violation of  
21 Condition 9 of the respondent's probation that he  
22 comply with the Division's surveillance program.

23 10. Based on the foregoing, the board finds that  
24 respondent has violated the terms of his probation, that  
25 respondent's probation should be revoked, that the order  
26 staying revocation of his physician's and surgeon's certificate  
27 should be vacated, and that his physician's and surgeon's

1 certificate should be revoked.

2 WHEREFORE, IT IS HEREBY ORDERED THAT:

3 1. The petition to revoke probation and vacate stay  
4 of license revocation is granted;

5 2. The portion of the order of January 17, 1983, in  
6 Division Case No. D-2765 staying revocation of respondent's  
7 physician's and surgeon's certificate is vacated and  
8 respondent's physician's and surgeon's certificate No. A032752  
9 is hereby revoked; and

10 3. Respondent shall not be deprived of making any  
11 further showing by way of mitigation; however, any showing must  
12 be made in writing to the Board of Medical Quality Assurance at  
13 1430 Howe Avenue, Sacramento, CA 95825, prior to the effective  
14 date of this decision.

15 BOARD OF MEDICAL QUALITY ASSUARANCE  
16 DIVISION OF MEDICAL QUALITY  
17 DEPARTMENT OF CONSUMER AFFAIRS  
18 STATE OF CALIFORNIA

18 Dated: December 30, 1986.

19 John W. Simmons  
20 JOHN W. SIMMONS  
21 Secretary-Treasurer

22 THIS DECISION SHALL BECOME EFFECTIVE: January 29, 1987.  
23  
24  
25  
26  
27

Attorneys for Complainant

In the Matter of the Petition ) NO. D-3485  
Against: )  
)  
)  
)  
ROGER N. GOODLIN, M.D. ) PETITION TO REVOKE  
1024 S. Walnut Street ) PROBATION AND VACATE  
San Gabriel, CA 91776 ) STAY OF LICENSE  
) REVOCATION  
Physician's and Surgeon's )  
Certificate No. A032752 )  
)  
Petitioner. )  
)

1. He is the Executive Director of the Board of Medical Quality Assurance (hereinafter "board") of the State of California and makes and files this petition to revoke probation and vacate stay of license revocation in his official capacity.

2. On or about August 7, 1978, the board issued to Roger N. Goodlin, M.D. (hereinafter "respondent"), physician's

1 and surgeon's certificate A032752. Said certificate was at all  
2 times mentioned herein in full force and effect except as  
3 described in paragraph 8.

#### 4 JURISDICTION

5 3. Pursuant to section 2004 of the Business and  
6 Professions Code (hereinafter, the "Code"), the Division of  
7 Medical Quality of the Board of Medical Quality Assurance is  
8 charged with the responsibility of enforcing the disciplinary  
9 provisions of the California Medical Practice Act.

10 4. Pursuant to section 2234 of the Code, the Division  
11 of Medical Quality shall take action against any holder of a  
12 physician's and surgeon's certificate licensee who is guilty of  
13 unprofessional conduct.

14 5. Section 2234, subdivision (e) of the Code,  
15 provides that unprofessional conduct includes the commission of  
16 any act involving dishonesty or corruption which is  
17 substantially related to the qualifications, functions, or  
18 duties of a physician and surgeon.

19 6. Section 2236, subdivisions (a), (b) and (c) of the  
20 Code, provides as follows:

21 "(a) The conviction of any offense, substantially  
22 related to the qualifications, functions, or duties of a  
23 physician and surgeon constitutes unprofessional conduct  
24 within the meaning of this chapter. The record of  
25 conviction shall be conclusive evidence only of the fact  
26 that the conviction occurred.

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1           "(b) The division may inquire into the circumstances  
2 surrounding the commission of the crime in order to fix the  
3 degree of discipline or to determine if such conviction is  
4 of an offense substantially related to the qualifications,  
5 functions, or duties of a physician and surgeon. A plea or  
6 verdict of guilty or a conviction following a plea of nolo  
7 contendere made to a charge substantially related to the  
8 qualifications, functions, or duties of a physician is  
9 deemed to be a conviction within the meaning of this  
10 section.

11           "(c) Discipline may be ordered in accordance with  
12 section 2227, . . . when the time for appeal has elapsed,  
13 or the judgment has been affirmed on appeal or when an  
14 order granting probation is made suspending the imposition  
15 of sentence, irrespective of a subsequent order under the  
16 provisions of section 1203.4 of the Penal Code allowing  
17 such person to withdraw his plea of guilty and to enter a  
18 plea of not guilty, or setting aside the verdict of guilty,  
19 or dismissing the accusation, information or indictment."

20           7. Section 490 of Code provides that a board within  
21 the Department of Consumer Affairs may suspend or revoke a  
22 license on the ground that a licensee has been convicted of a  
23 crime, if the crime is substantially related to the  
24 qualifications, functions, or duties of the business or  
25 profession for which the license was issued.

26                               /

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DISCIPLINE PREVIOUSLY IMPOSED

8. On January 17, 1983, the division in Case No. D-2765, revoked respondent's certificate, stayed the revocation and placed respondent on probation for a period of five years from the effective date of the decision. A true copy of the decision is attached hereto as Appendix A (hereinafter Division's Decision) and incorporated herein. The Division's Decision became final and probation commenced on February 16, 1983. The Division's Decision adopts and incorporates a stipulation signed by respondent which sets forth the facts (admitted by respondent) supporting discipline, that cause for discipline exists, the discipline imposed and the conditions of probation. The Division's Decision reads in pertinent part as follows:

"4. Respondent admits as true the facts found by the division in its administrative decision as follows:

"A. On or about February 18, 1981, in the Municipal Court of the Santa Monica Judicial District, County of Los Angeles, State of California, in a case entitled, "People v. Goodlin," case number D58606, respondent plead guilty to and was convicted of violating section 647, subdivision (f) of the Penal Code (public intoxication). During the arrest on or about December 9, 1980, which led to the aforementioned conviction, respondent was found to be illegally in possession of Quaalude."

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1 "B. On or about August 27, 1980, in the  
2 Municipal Court of the Los Angeles Judicial District,  
3 County of Los Angeles, in a case entitled, "People v.  
4 Goodlin," case number V094823, respondent plead guilty to  
5 and was convicted of violating section 21658, subdivision  
6 (a), of the Vehicle Code (failure to drive within on lane)  
7 and section 22348, subdivision (a) of the Vehicle Code  
8 (speeding). Respondent was intoxicated at the time in  
9 question.

10 "C. On or about August 4, 1980, in the  
11 Municipal Court of Long Beach Judicial District, County of  
12 Los Angeles, State of California, in a case entitled,  
13 "People v. David Sherwood Dunard," the latter being a name  
14 used by respondent, case number M162345, respondent pled  
15 guilty to and was convicted of violating section 415.1 of  
16 the Penal Code (disturbing the peace). Respondent was  
17 intoxicated at the time in question.

18 "5. Based on the foregoing facts and admissions,  
19 cause for disciplinary action exists against respondent  
20 pursuant to section 2361 of the Business and Professions  
21 Code (now section 2234), in that respondent was guilty of  
22 unprofessional conduct within the meaning of section 2390  
23 of the Business and Professions Code (now section 2239), in  
24 that respondent used alcoholic beverages to the extent or  
25 in such a manner as to be dangerous to himself or another  
26 or to the public and respondent was convicted of more than  
27 one misdemeanor involving the use of alcoholic beverages or

1 controlled substances. Further cause for disciplinary  
2 action exists against respondent pursuant to section 2361  
3 of the Business and Professions Code (now section 2234), in  
4 that respondent was engaged in unprofessional conduct  
5 within the meaning of section 2391.5 of the Business and  
6 Professions Code (now section 2238), in having violated a  
7 law regulating dangerous drugs or controlled substances.

8 "WHEREFORE, it is stipulated and agreed that the  
9 division shall set aside its decision of revocation effective  
10 on August 13, 1982, and issue the following decision:

11 "Physician's and surgeon's certificate number A 32752  
12 heretofore issued to respondent Roger Neal Goodlin, M.D.,  
13 is hereby revoked; however, said revocation is stayed and  
14 respondent is placed on probation for five (5) years upon  
15 the following terms and conditions:

16 "1. Actual Suspension

17 "As part of probation, respondent is suspended from  
18 the practice of medicine for 120 days beginning November 1,  
19 1982.

20 "2. Partial Restriction Regarding Controlled Substance

21 "Respondent shall not prescribe, administer, dispense,  
22 order, or possess any schedule II controlled substances as  
23 defined by the California Uniform Controlled substances Act.

24 "A. Respondent shall immediately surrender  
25 respondent's current DEA permit to the Drug Enforcement  
26 Administration for cancellation and reapply for a new DEA  
27 permit limited to those schedules authorized by this order.

1           "B. The above prohibition against personal use or  
2           possession of controlled substances or dangerous drugs does  
3           not apply to medication lawfully prescribed to respondent  
4           for a bona fide illness or condition by another  
5           practitioner.

6           "3. Abstention

7           "Respondent shall abstain completely from the use of  
8           alcoholic beverages. Respondent shall immediately submit  
9           to biological fluid testing, at respondent's cost, upon the  
10          request of the division or its designee.

11          "4. Psychiatric Evaluation

12          "Within 30 days of the effective date of this  
13          decision, and on a periodic basis thereafter as may be  
14          required by the division or its designee, respondent shall  
15          undergo a psychiatric evaluation by a division appointed  
16          psychiatrist who shall furnish a psychiatric report to the  
17          division or its designee.

18          "If respondent is required by the division or its  
19          designee to undergo psychiatric treatment, respondent shall  
20          within 30 days of the requirement notice submit to the  
21          division for its prior approval the name and qualifications  
22          of a psychiatrist of respondent's choice. Upon approval of  
23          the treating psychiatrist, respondent shall undergo and  
24          continue psychiatric treatment until further notice from  
25          the division. Respondent shall have the treating  
26          psychiatrist submit quarterly status reports to the  
27          division.

1                   "5. Alcohol Rehabilitation Program

2                   "Within 30 days of the effective date of this  
3 decision, respondent shall submit to the division for its  
4 prior approval an alcohol rehabilitation program in which  
5 respondent shall participate at least weekly for at least  
6 50 weeks of the calendar year for the duration of  
7 probation. In the quarterly reports to the division,  
8 respondent shall provide documentary evidence of continuing  
9 participation in this program.

10                   "6. Education Course

11                   "The division shall determine how many, if any  
12 additional continuing education hours respondent shall  
13 fulfill. If such additional hours are so required as part  
14 of the conditions of probation, within 90 days of the  
15 effective date of this decision, and on an annual basis  
16 thereafter, respondent shall submit to the division for its  
17 prior approval an educational program or course related to  
18 general medicine or a field of specialization respondent  
19 shall engage in for each year of probation. This program  
20 shall be in addition to the Continuing Medical Education  
21 requirements for re-licensure. Following the completion of  
22 each course, the division or its designee may administer an  
23 examination to test respondent's knowledge of the course.

24                   "7. Obey All Laws

25                   "Respondent shall obey all federal, state and local  
26 laws, and all rules governing the practice of medicine in  
27 California.

1           "8. Quarterly Reports

2           "Respondent shall submit quarterly declarations under  
3 penalty of perjury on forms provided by the division,  
4 stating whether there has been compliance with all the  
5 conditions of probation.

6           "9. Surveillance Program

7           "Respondent shall comply with the division's probation  
8 surveillance program.

9           "10. Interview With Medical Consultant

10          "Respondent shall appear in person for interviews with  
11 the division's medical consultant upon request at various  
12 intervals and with reasonable notice.

13          "11. Tolling for Out-of-State Practice or Residence

14          "In the event respondent should leave California to  
15 reside or to practice outside the state, respondent must  
16 notify the division in writing of the dates of departure  
17 and return. Periods of residency or practice outside  
18 California will not apply to the reduction of his  
19 probationary period.

20          "12. Completion of Probation

21          "Upon successful completion of probation, respondent's  
22 certificate will be fully restored.

23          "13. Violation of Probation

24          "If respondent violates probation in any respect, the  
25 division, after giving respondent notice an the opportunity  
26 to be heard, may revoke probation and carry out the  
27 disciplinary order that was stayed. If an accusation or

1 petition to revoke probation is filed against respondent  
2 during probation, the division shall have continuing  
3 jurisdiction until the matter is final, and the period of  
4 probation shall be extended until the matter is final.

5 \* \* \* \* \*

6 "DECISION AND ORDER

7 "The prior decision revoking respondent's license is  
8 hereby set aside. The above stipulation is adopted as the  
9 decision of the Division of Medical Quality of the Board of  
10 Medical Quality Assurance.

11 "Further, respondent is ordered to fulfill 50 hours of  
12 continuing education per year in addition to the continuing  
13 education requirements for re-licensure, pursuant to  
14 probation condition number 7 of the above stipulation."

15 VIOLATIONS

16 9. Respondent's probation is subject to revocation  
17 because he has failed to comply with the conditions of his  
18 probation. The circumstances are as follows:

19 A. Respondent has attended alcohol rehabilitation  
20 meetings required by Condition 5 of his probation under the  
21 influence of alcohol in violation of Condition 3 of his  
22 probation.

23 B. Respondent has not attended weekly alcohol  
24 rehabilitation meetings as required by Condition 5 of his  
25 probation.

26 C. Respondent has failed to submit quarterly reports  
27 of compliance since August 1, 1984, in violation of



1 Condition 8 of his probation.

2 D. Respondent has not made himself available for  
3 biological fluid specimen tests in violation of Condition 3  
4 of his probation.

5 E. Respondent has not informed the Board of changes  
6 in his address and has failed to respond to numerous  
7 attempts by the division to contact him in violation of  
8 Conditions 2, 7 and 9 of his probation and Business and  
9 Professions Code section 2021, subdivision (b), which  
10 requires licentiates to immediately report changes of  
11 address to the board.

12 F. Respondent has failed to attend mandatory  
13 appointments with the probation surveillance officer to  
14 discuss violations of his probation in violation of  
15 Condition 9 of the respondent's probation that he comply  
16 with the Division's surveillance program.

17 REVOCATION OF PROBATION AND VACATING  
18 ORDER STAYING REVOCATION OF LICENSE

19 10. Based on the foregoing violations of probation  
20 and pursuant to code section 2227 and probation Condition 13,  
21 respondent's probation is subject to revocation, the stay of  
22 revocation of respondent's certificate may be vacated and his  
23 certificate ordered revoked.

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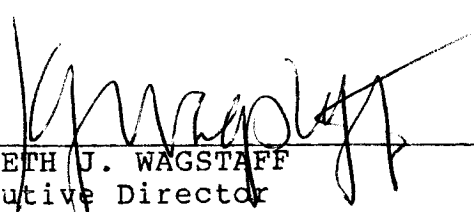
1           WHEREFORE, complainant prays that the division conduct  
2 a hearing on the matters alleged herein and following said  
3 hearing and pursuant to section 2227 of the code and probation  
4 probation Condition 13, issue its decision:

5           1. Finding that Roger N. Goodlin, M.D. has violated  
6 the terms of his probation;

7           2. Setting aside the stay order and impose revocation  
8 of Dr. Goodlin's certificate;

9           3. Take such other and further action as it deems  
10 proper.

11           Dated: April 11, 1986 .

12  
13   
14 KENNETH J. WAGSTAFF  
15 Executive Director  
16 Board of Medical Quality Assurance

17 Complainant

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1 GEORGE DEUKMEJIAN, Attorney General  
2 NANCY K. CHIU,  
3 Deputy Attorney General  
3580 Wilshire Boulevard  
4 Los Angeles, California 90010  
Telephone: (213) 736-2000

5 Attorneys for Complainant

6  
7  
8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
10 BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation ) No. D-2765  
12 Against: )  
13 ) STIPULATION, DECISION  
ROGER NEAL GOODLIN, M.D. ) AND ORDER  
14 1024 S. Walnut Street )  
San Gabriel, CA 91776 )  
15 Physician's and Surgeon's )  
Certificate No. A-32752, )  
16 Respondent. )  
17

18 IT IS HEREBY STIPULATED AND AGREED as true by and  
19 between Bennet Olan, Esquire, as attorney for respondent  
20 Roger Neal Goodlin, M.D., and Nancy K. Chiu, deputy attorney  
21 general, as attorney for complainant, the following:

22 1. On or about June 10, 1981, an accusation in case  
23 number D-2765 was filed against respondent. On or about  
24 July 8, 1981, a first amended accusation was filed against  
25 respondent. Copies of said pleadings are attached hereto as  
26 annex 1. Said pleadings were duly served on respondent.

27 /

1 Respondent then filed a timely notice of defense. Notice of  
2 hearing was sent to respondent at his address of record filed  
3 with the Board of Medical Quality Assurance.

4           2. On May 24, 1982, a default administrative hearing  
5 was held at the Office of Administrative Hearings in Los Angeles,  
6 California. The Division of Medical Quality of the Board of  
7 Medical Quality Assurance (hereinafter the "division") adopted a  
8 proposed decision to revoke respondent's license to practice  
9 medicine. Said decision was effective on August 13, 1982.

10           3. On or about September 7, 1982, respondent filed a  
11 petition for a writ of mandate with the Superior Court of the  
12 County of Los Angeles in a case entitled "Roger Neal Goodlin v.  
13 Division of Medical Quality, Board of Medical Quality Assurance,"  
14 case number C 424429. On October 6, 1982, an alternative writ  
15 was issued by said court ordering the division to set aside its  
16 decision or in the alternative to show cause on December 16, 1982,  
17 why it should not.

18           4. Respondent admits as true the facts found by the  
19 division in its administrative decision as follows:

20           A. On or about February 18, 1981, in the  
21 Municipal Court of the Santa Monica Judicial District,  
22 County of Los Angeles, State of California, in a case  
23 entitled, "People vs. Goodlin," case number D58606,  
24 respondent pled guilty to and was convicted of violating  
25 section 647, subdivision (f), of the Penal Code  
26 (public intoxication). During the arrest on or  
27 about December 9, 1980, which led to the aforementioned

1 conviction, respondent was found to be illegally  
2 in possession of Quaalude.

3 B. On or about August 27, 1980, in the Municipal  
4 Court of the Los Angeles Judicial District, County of  
5 Los Angeles, in a case entitled, "People vs. Goodlin,"  
6 case number V094823, respondent pled guilty to and was  
7 convicted of violating section 21658 , subdivision (a),  
8 of the Vehicle Code (failure to drive within on lane)  
9 and section 22348, subdivision (a), of the Vehicle Code  
10 (speeding). Respondent was intoxicated at the time  
11 in question.

12 C. On or about August 4, 1980, in the Municipal  
13 Court of Long Beach Judicial District, County of  
14 Los Angeles, State of California, in a case entitled,  
15 People vs. David Sherwood Dunard," the latter being a  
16 name used by respondent, case number M162345, respondent  
17 pled guilty to and was convicted of violating section  
18 415.1 of the Penal Code (disturbing the peace).  
19 Respondent was intoxicated at the time in question.

20 5. Based on the foregoing facts and admissions, cause  
21 for disciplinary action exists against respondent pursuant to  
22 section 2361 of the Business and Professions Code (now  
23 section 2234), in that respondent was guilty of unprofessional  
24 conduct within the meaning of section 2390 of the Business and  
25 Professions Code (now section 2239), in that respondent used  
26 alcoholic beverages to the extent or in such a manner as to be  
27

1 dangerous to himself or another or to the public, and respondent  
2 was convicted of more than one misdemeanor involving the use of  
3 alcoholic beverages or controlled substances. Further cause for  
4 disciplinary action exists against respondent pursuant to section  
5 2361 of the business and Professions Code (now section 2234), in  
6 that respondent was engaged in unprofessional conduct within the  
7 meaning of section 2391.5 of the Business and Professions Code  
8 (now section 2238), in having violated a law regulating dangerous  
9 drugs or controlled substances.

10 WHEREFORE, it is stipulated and agreed that the  
11 division shall set aside its decision of revocation effective on  
12 August 13, 1982, and issue the following decision:

13 Physician's and surgeon's certificate number A 32752  
14 heretofore issued to respondent Roger Neal Goodlin, M.D., is  
15 hereby revoked; however, said revocation is stayed and respondent  
16 is placed on probation for five (5) years upon the following  
17 terms and conditions:

18 1. Actual Suspension

19 As part of probation, respondent is suspended from  
20 the practice of medicine for 120 days beginning November 1, 1982.

21 2. Partial Restriction Regarding Controlled Substance

22 Respondent shall not prescribe, administer, dispense,  
23 order, or possess any schedule II controlled substances as  
24 defined by the California Uniform Controlled Substances Act.

25 A. Respondent shall immediately surrender  
26 respondent's current DEA permit to the Drug  
27 Enforcement Administration for cancellation and

1 reapply for a new DEA permit limited to those  
2 schedules authorized by this order.

3 B. The above prohibition against personal  
4 use or possession of controlled substances or  
5 dangerous drugs does not apply to medication lawfully  
6 prescribed to respondent for a bona fide illness or  
7 condition by another practitioner.

8 3. Abstention

9 Respondent shall abstain completely from the use of  
10 alcoholic beverages. Respondent shall immediately submit to  
11 biological fluid testing, at respondent's cost, upon the request  
12 of the division or its designee.

13 4. Psychiatric Evaluation

14 Within 30 days of the effective date of this decision,  
15 and on a periodic basis thereafter as may be required by the  
16 division or its designee, respondent shall undergo a psychiatric  
17 evaluation by a division appointed psychiatrist who shall  
18 furnish a psychiatric report to the division or its designee.

19 If respondent is required by the division or its  
20 designee to undergo psychiatric treatment, respondent shall  
21 within 30 days of the requirement notice submit to the division  
22 for its prior approval the name and qualifications of a  
23 psychiatrist of respondent's choice. Upon approval of the  
24 treating psychiatrist, respondent shall undergo and continue  
25 psychiatric treatment until further notice from the division.  
26 Respondent shall have the treating psychiatrist submit quarterly  
27 status reports to the division.

1                   5. Alcohol Rehabilitation Program

2                   Within 30 days of the effective date of this decision,  
3 respondent shall submit to the division for its prior approval an  
4 alcohol rehabilitation program in which respondent shall  
5 participate at least weekly for at least 50 weeks of the calendar  
6 year for the duration of probation. In the quarterly reports to  
7 the division, respondent shall provide documentary evidence of  
8 continuing participation in this program.

9                   6. Education Course

10                  The division shall determine how many, if any, additional  
11 continuing education hours respondent shall fulfill. If such  
12 additional hours are so required as part of the conditions of  
13 probation, within 90 days of the effective date of this decision,  
14 and on an annual basis thereafter, respondent shall submit to the  
15 division for its prior approval an educational program or course  
16 related to general medicine or a field of specialization  
17 respondent shall engage in for each year of probation. This  
18 program shall be in addition to the Continuing Medical Education  
19 requirements for re-licensure. Following the completion of each  
20 course, the division or its designee may administer an  
21 examination to test respondent's knowledge of the course.

22                  7. Obey All Laws

23                  Respondent shall obey all federal, state and local laws,  
24 and all rules governing the practice of medicine in California.

25                  8. Quarterly Reports

26                  Respondent shall submit quarterly declarations under  
27 penalty of perjury on forms provided by the division, stating



1 whether there has been compliance with all the conditions of  
2 probation.

3           9. Surveillance Program

4           Respondent shall comply with the division's probation  
5 surveillance program.

6           10. Interview with Medical Consultant

7           Respondent shall appear in person for interviews with  
8 the division's medical consultant upon request at various  
9 intervals and with reasonable notice.

10           11. Tolling for Out-of-State Practice or Residence

11           In the event respondent should leave California to  
12 reside or to practice outside the state, respondent must notify  
13 the division in writing of the dates of departure and return.  
14 Periods of residency or practice outside California will not  
15 apply to the reduction of this probationary period.

16           12. Completion of Probation

17           Upon successful completion of probation, respondent's  
18 certificate will be fully restored.

19           13. Violation of Probation

20           If respondent violates probation in any respect, the  
21 division, after giving respondent notice and the opportunity to  
22 be heard, may revoke probation and carry out the disciplinary  
23 order that was stayed. If an accusation or petition to revoke  
24 probation is filed against respondent during probation, the  
25 division shall have continuing jurisdiction until the matter is  
26 final, and the period of probation shall be extended until the  
27 matter is final.

GEORGE DEUKMEJIAN, Attorney General  
NANCY K. CHIU, Deputy Attorney General

DATED: 1-17-83

By [Signature], Complainant  
for NANCY K. CHIU  
Deputy Attorney General  
Attorneys for Complainant

DATED: 12/17/82

[Signature]  
BENNET OLAN, ESQ.  
Attorney for Respondent

I have read and discussed the above stipulation with my  
counsel Bennet Olan. I fully understand the terms of the above  
stipulation and hereby freely consent to and accept said  
stipulation.

DATED: 12/11/82

[Signature]  
ROGER NEAL GOODLIN, M.D.  
Respondent

#### DECISION AND ORDER

The prior decision revoking respondent's license is  
hereby set aside. The above stipulation is adopted as the  
decision of the Division of Medical Quality of the Board of  
Medical Quality Assurance.

Further, respondent is ordered to fulfill 50 hours  
of continuing education per year in addition to the continuing  
education requirements for re-licensure, pursuant to probation  
condition number 7 of the above stipulation.

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This decision shall be effective on the 16th day of February 1983.

IT IS SO ORDERED this 17th day of January, 1983.

*Wm. G. Adams*

MILLER MEDEARIS, Secretary-Treasurer  
Division of Medical Quality  
Board of Medical Quality Assurance

NKC:sl  
03573110-LA82CV1189  
S7, ROGER1-9

1 GEORGE DEUKMEJIAN, Attorney General  
2 NANCY K. CHIU,  
3 Deputy Attorney General  
4 3580 Wilshire Boulevard  
5 Los Angeles, California 90010  
6 Telephone: (213) 736-2000

7 Attorneys for Complainant

8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
10 BOARD OF MEDICAL QUALITY ASSURANCE  
11 DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation )  
14 Against: )

NO. D-2765

15 ROGER NEAL GOODLIN, M.D. )  
16 Physician's and Surgeon's )  
17 Certificate No. A-32752, )

FIRST AMENDED ACCUSATION

18 Respondent. )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )

28 COMES NOW Robert G. Rowland, complainant herein, who  
29 alleges as follows:

30 1. Complainant Robert G. Rowland is the Executive  
31 Director of the Board of Medical Quality Assurance of the State  
32 of California (hereinafter "board") and makes and files this  
33 first amended accusation in his official capacity only.

34 2. On or about August 7, 1978, the board issued  
35 physician's and surgeon's certificate number A-32752 to  
36 respondent Roger Neal Goodlin, M.D. (hereinafter "respondent")  
37 to practice medicine in the State of California. At all times  
38 relevant herein, said certificate has been and now is in full  
39 force and effect.

1           3. Section 2100.6 of the Business and Professions Code  
2 (hereinafter "the code") provides, in part, that the Division  
3 of Medical Quality of the Board (hereinafter "division") shall  
4 have responsibility for the following: the administration and  
5 hearing of disciplinary actions; and carrying out disciplinary  
6 actions appropriate to findings made by itself, a medical  
7 quality review committee or a hearing officer. Said section was  
8 repealed and reenacted at section 2004 of the code.<sup>1/</sup>

9           4. Section 2361 (new § 2234) of the code provides  
10 that the division shall take action against any holder of a  
11 certificate who is guilty of unprofessional conduct.

12           5. Section 2390 (now § 2239) of the code provides,  
13 in part, that the use of alcoholic beverages to the extent,  
14 or in such a manner as to be dangerous or injurious to the  
15 licensee or to any other person or to the public or to the  
16 extent that such use impairs the ability of such a person to  
17 conduct with safety to the public the practice of medicine with  
18 safety to the public, or the conviction of more than one  
19 misdemeanor involving the use of alcoholic beverages or  
20 controlled substance, constitutes unprofessional conduct.  
21 Said section further provides that the record of the conviction  
22 is conclusive evidence of such unprofessional conduct.

23

24

25           1. The Medical Practice Act (§§ 2000-20528.3 of the  
26 Bus. & Prof. Code) was repealed by the Legislature and new  
27 sections were enacted effective January 1, 1981. Both the old  
section numbers and new section numbers are included in this  
accusation. The new section numbers are set forth in parentheses  
after the old section numbers.

1           6. Respondent is subject to disciplinary action  
2 pursuant to section 2361 (now § 2234) of the code in that  
3 respondent has been guilty of unprofessional conduct within  
4 the meaning of section 2390 (now § 2239) of the code in having  
5 used alcoholic beverages to the extent or in such a manner as  
6 to be dangerous to himself or another or to the public or  
7 respondent has been convicted or more than one misdemeanor  
8 involving the use of alcoholic beverages or controlled substance.  
9 The circumstances are as follows:

10           A. On or about December 9, 1980, in the vicinity  
11 of the Santa Monica shopping mall in Santa Monica,  
12 California, respondent was intoxicated while in a public  
13 street. As a result of said action, on or about  
14 February 18, 1981, in the Municipal Court of the  
15 Santa Monica Judicial District, County of Los Angeles,  
16 State of California, in a case entitled, "The People  
17 of the State of California vs. Roger Neal Goodlin,"  
18 Case No. D58606, respondent pled guilty to and was  
19 convicted of violating section 647, subdivision (f),  
20 of the Penal Code (public intoxication).

21           (1) As a result of said conviction,  
22 respondent was ordered to serve one day in  
23 the Los Angeles County Jail and one day's  
24 credit was allowed under section 2900.5 of  
25 the Penal Code for time in custody.

26           B. On or about August 7, 1980, respondent was  
27 driving on a public road while under the influence of

1 alcohol. As a result of said act, on or about  
2 August 27, 1980, in the Municipal Court of the  
3 Los Angeles Judicial District, County of Los Angeles,  
4 in a case entitled, "The People of the State of  
5 California vs. Roger Neal Goodlin," Case No. V094823,  
6 respondent pled guilty to and was convicted of  
7 violating section 21658, subdivision (a), of the  
8 Vehicle Code (failure to drive within one lane)  
9 and section 22348, subdivision (a), of the Vehicle  
10 Code (speeding). Respondent was fined \$50 for each  
11 count.

12 C. On or about April 26, 1980, respondent was  
13 intoxicated and engaged in disorderly conduct at  
14 the Queen Mary Village in Long Beach, California.  
15 As a result of said action, on or about August 4,  
16 1980, in the Municipal Court of Long Beach Judicial  
17 District, County of Los Angeles, State of California,  
18 in a case entitled, "The People of the State of  
19 California vs. David Sherwood Dunard," case No. M162345,  
20 respondent pled guilty to and was convicted of violating  
21 section 415.1 of the Penal Code (disturbing the peace).  
22 As a result of said conviction, respondent was ordered  
23 to pay \$255 or serve 6 days in the Los Angeles County  
24 Jail.

25 (1) Respondent purported to be David  
26 Sherwood Dunard throughout said proceeding.

27 /

4.

1           7. Section 2391.5 (now § 2238) of the code provides,  
2 in part, that a violation of any federal statute, or rule or  
3 regulation or any of the statutes or rules or regulation of  
4 this state regulating dangerous drugs or controlled substances  
5 constitutes unprofessional conduct.

6           8. Quaalude is a brand name for methaqualone,  
7 a schedule II controlled substance under section  
8 11056, subdivision (b)(6), of the Health and Safety  
9 Code and 21 C.F.R., § 1308.12, subdivision (e)(1),  
10 and a dangerous drug under section 4211, subdivision  
11 (a), of the code.

12           9. Section 4230 of the code provides, in part, that  
13 no person shall have in his possession any preparation included  
14 in subdivision (a) or (c) of section 2411.

15           10. Respondent is subject to disciplinary action  
16 pursuant to section 2361 (now § 2234) of the code in that  
17 respondent has engaged in unprofessional conduct within the  
18 meaning of section 2391.5 (now § 2238) of the code in having  
19 violated a law regulating dangerous drugs or controlled  
20 substances. The circumstances are as follows:

21           On or about December 9, 1980, respondent illegally  
22 possessed Quaalude.

23           WHEREFORE, complainant prays that the division hold  
24 a hearing on the matters alleged herein, and following said  
25 hearing issue a decision:

26           1. Suspending or revoking respondent's physician's  
27 and surgeon's certificate; and



1                   2. Taking such other and further action as the  
2 division deems appropriate.

3                   DATED: July 8, 1981.

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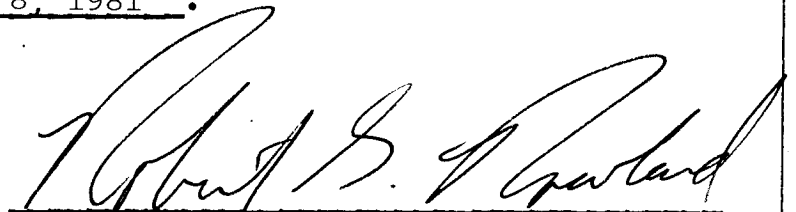
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ROBERT G. ROWLAND  
Executive Director, Board of  
Medical Quality Assurance  
State of California

Complainant

NKC:bc  
03573110-  
LA81AD0707  
6/10/81